

Message

From: Ramach, Sean [Ramach.Sean@epa.gov]
Sent: 9/21/2018 9:26:09 PM
To: Levine, MaryEllen [levine.maryellen@epa.gov]
Subject: RE: Heads up on 316(b) briefings/questions
Attachments: BOR_316(b)_Hydro.pptx

That's what I have been sayin!!

Just FYI, here is the presentation we did for BOR, not sure if Richard passed it along yet. It lays out that the statute applies to anyone with a NPDES permit that uses cooling water. It explains how the rule applies. It tries to clarify that the hydro water is not part of the 25% as it never loses status as a WOTUS. Then if the rule applies, it talks about the process going forward.

Cheers,

Sean Ramach

Environmental Scientist | P:202-564-2865 | ramach.sean@epa.gov
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From: Levine, MaryEllen
Sent: Friday, September 21, 2018 4:54 PM
To: Neugeboren, Steven <Neugeboren.Steven@epa.gov>
Cc: Witt, Richard <Witt.Richard@epa.gov>; Ramach, Sean <Ramach.Sean@epa.gov>; Zobrist, Marcus <Zobrist.Marcus@epa.gov>; Gutierrez, Sally <Gutierrez.Sally@epa.gov>
Subject: Fwd: Heads up on 316(b) briefings/questions

Ex. 5 AC/DP

Sent from my iPhone

Begin forwarded message:

From: "Ramach, Sean" <Ramach.Sean@epa.gov>
Date: September 21, 2018 at 4:34:50 PM EDT
To: "Wu, Jennifer" <Wu.Jennifer@epa.gov>, "Wood, Robert" <Wood.Robert@epa.gov>, "Damico, Brian" <Damico.Brian@epa.gov>, "Zobrist, Marcus" <Zobrist.Marcus@epa.gov>, "Gutierrez, Sally" <Gutierrez.Sally@epa.gov>, "Levine, MaryEllen" <levine.maryellen@epa.gov>, "Witt, Richard" <Witt.Richard@epa.gov>
Cc: "Shriner, Paul" <Shriner.Paul@epa.gov>
Subject: RE: Heads up on 316(b) briefings/questions

Thanks Jenny. Will Courtney be the attorney? Just so Richard can reach out as needed?

All, see Jenny's email below regarding Bureau of Reclamation elevating whether 316(b) applies to hydroelectric facilities.

The Region has contacted Andrew and plans to follow up with OGC next week.

Cheers,

Sean Ramach

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Please consider the environment before printing this e-mail.

From: Wu, Jennifer

Sent: Friday, September 21, 2018 3:21 PM

To: Ramach, Sean <Ramach.Sean@epa.gov>; Shriner, Paul <Shriner.Paul@epa.gov>

Subject: Heads up on 316(b) briefings/questions

Hi Sean and Paul,

As in my voicemail, I wanted to give you both the heads up that BOR called me yesterday to follow up on our call with them on 9/12. They said they appreciated the presentation and learned a lot, but still “agreed to disagree” on 316(b) applicability to hydroelectric dams.

Ex. 5 AC/DP

Ex. 5 AC/DP

At this point, we're not inclined to delay permit issuance unless they contact the Administrator, and we are told to delay the permit. I've been told to proceed with developing the permit unless there are other reasons to pause the permit (e.g., they're missing a number of outfalls in their application). Still, Dan Opalski, the Office Director was at a Federal Caucus Executive Board meeting which includes senior managers in the federal family, including BOR and the Corps. He acknowledged concerns on 316(b) and said while we still believe 316(b) applies, he would run it up the chain at EPA HQ. He contacted Andrew Sawyer at OWM, and our attorney is going to prepare briefing materials to run it up OGC next week. So FYI in that you may hear about it. If you'd like to talk more, feel free to call. Otherwise, I'll keep you in the loop to make sure informed esp for anything that might affect you.

Thanks!

Jenny Wu

Environmental Engineer, NPDES Permits Unit

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